

NO. 19-55616

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DAVID CASSIRER, THE ESTATE OF AVA CASSIRER, and UNITED JEWISH
FEDERATION OF SAN DIEGO COUNTY, a California non-profit corporation,

Plaintiffs-Appellants,

v.

THYSSEN-BORNEMISZA COLLECTION FOUNDATION,

Defendant-Appellee.

On appeal from the United States District Court
for the Central District of California

JOINDER LETTER IN LIEU OF AMICUS CURIAE BRIEF BY
HOLOCAUST RESTITUTION COMMITTEE
TO JOIN EXISTING BRIEFS OF AMICI CURIAE
IN SUPPORT OF PETITION FOR REHEARING AND REHEARING EN BANC

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CORPORATE DISCLOSURE STATEMENT

Amicus curiae the Holocaust Restitution Committee has no parent corporations, and no publicly held corporations own 10% or more of its stock.

By: /s/ Robert E. Kohn
Robert E. Kohn

Counsel for Amicus Curiae

AMICUS LETTER

The Holocaust Restitution Committee (“HRC”) wishes to support the briefs in support of the Petition for Rehearing and Rehearing En Banc of amici curiae Comunidad Judía de Madrid and Federación de Comunidades Judías de España, of The 1939 Society, et al., and of Monuments Men and Women Foundation. *See* Circuit Advisory Committee Note to 9th Cir. R. 29-1.

The members of the HRC are victims of the Holocaust that Nazi Germany perpetrated against humanity; many of them lost their families. In support of its mission to seek restitution for all such victims, the HRC works closely with the Conference on Jewish Material Claims Against Germany (“Claims Conference”) and the World Jewish Restitution Organization (“WJRO”). The Claims Conference is a non-profit organization that secures material compensation for Holocaust survivors around the world; it was founded in 1951 by representatives of 23 major international Jewish organizations, and today it has offices in New York, Israel and Germany. The WJRO, also a non-profit organization, is the legal and moral representative of world Jewry in pursuing claims for the recovery of Jewish properties in Europe outside of Germany and Austria. The leading world Jewish organizations established the WJRO to address the restitution of Jewish property after the collapse of the Communist regimes in Eastern Europe. The Claims

Conference and the WJRO do not represent individual claimants but advocate on behalf of survivors and their heirs on a global basis.

During and after the Second World War, the U.S. has performed the vital role of advancing the rule of law by restoring property stolen by the Nazis. The Claims Conference and WJRO, which since their founding have worked closely with the U.S. government, have documented this crucial U.S. role. *See* The Role of the United States in Pursuing Compensation for Holocaust Victims and Heirs, and the Historical Bases for U.S. Leadership (Mar. 29, 2024) (the “U.S. Leadership Report”).¹ The Panel decision (“*Cassirer VII*”) declines to disturb the Swiss Baron von Thyssen’s transfer of Lilly Cassirer’s stolen Pissarro painting to a state institution in Spain. This result does not appear to take into consideration the strong U.S. interest, expressed over the eight decades since the Holocaust, in restoring property to those who suffered at the hands of the Nazi regime – the policy described in the U.S. Leadership Report just cited, and exemplified by *Altmann v. Republic of Austria*, 317 F.3d 954 (9th Cir. 2002), *modified*, 327 F.3d 1246 (9th Cir. 2003), *aff’d*, 541 U.S. 677 (2004).

¹ The cited Report is available at:

<https://www.claimscon.org/wp-content/uploads/2020/09/2020.9.23-The-U.S.-Role-in-Holocaust-Compensation-.pdf>

<https://wjro.org.il/wp-content/uploads/2024/03/2024.3.29-the-u.s.-role-in-holocaust-compensation.pdf>.

For these reasons, the HRC respectfully joins the other amici who support the
Petition for Rehearing and Rehearing En Banc.

Respectfully submitted,

Dated: April 2, 2024

Kohn Law Group, Inc.

By: /s/ Robert E. Kohn
Robert E. Kohn

Counsel for Amicus Curiae
Holocaust Restitution Committee

CERTIFICATE OF SERVICE

I certify that on April 2, 2024, I electronically filed the foregoing document using the Court's CM/ECF system. I certify that all other participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

By: /s/ Robert E. Kohn
Robert E. Kohn

Counsel for Amicus Curiae